IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

WRIT PETITION NO.4228 OF 2004

Shri A.A. Valsankar for the Petitioner.

Shri U.B. Nighot for the Respondent.

Office Notes, Office Memoranda of Coram, appearances, Court's order or directions	Court's or Judge's orders
	CORAM: D.K.DESHMUKH, J.
	DATED: 21st September,2005
	P.C.:
	By the order impugned in this petition the Appellate court has rejected the application for bringing the legal representatives of the original Defendant No.2 on record. Admittedly, the Defendant No.2 died during the pendency of the trial on 18-5-1980. Even when the appeal was filed in the year 1996, his legal heirs were not shown as Respondents. Though the appeal was filed in 1996, application for legal heirs of original Defendant No.2 was made in the year 2002. There is no

explanation whatsoever for not joining the legal heirs as Respondents to the appeal when the appeal was filed in the year 1996, nor is there any explanation why from 1996 till 2003 nothing was done. In my opinion, this is a case of gross negligence on the part of the Petitioner, therefore, such litigant cannot be helped in the supervisory jurisdiction of the Court under Article 227 of the Constitution of India. Petition is, therefore, rejected.

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